

DOUGLAS DODSON, EDWARD)
JUDD, RICHARD LITTLE, JASPER)
VICK, AND JOHN YOUNG,)

V.

Defendants.

**DEFENDANT CORECIVIC, INC.'S SUPPLEMENTAL
MOTION TO DISMISS AND FOR SUMMARY JUDGMENT¹**

Dodson, Little, and Vick previously were incarcerated at the Trousdale Turner Correctional Center (“Trousdale”), and Judd and Young presently are incarcerated at Trousdale.² (Docket Entry 55 ¶¶ 8-11; Docket Entry 53). CoreCivic operates Trousdale pursuant to a

² Dodson is incarcerated at the Lois M. DeBerry Special Needs Facility, Little no longer is incarcerated, and Vick is incarcerated at the South Central Correctional Center. (Docket Entry 49 ¶ 4).

contract with Defendant the Tennessee Department of Correction. (Docket Entry 49 ¶ 2). Through their lawsuit, Plaintiffs contend that CoreCivic violated the ADA, the Eighth Amendment, and the Fourteenth Amendment. (Docket Entry 55 ¶¶ 79-103). Plaintiffs are insulin-dependent diabetics and contend that CoreCivic failed to provide them access to necessary diabetic treatment and failed to coordinate insulin administration with regular mealtimes during their respective incarcerations at Trousdale. (*Id.* ¶¶ 55-78). Plaintiffs ignore the fact that CoreCivic has contracted with other entities to provide medical treatment and food services to inmates who are incarcerated at Trousdale and attempt to correlate CoreCivic's alleged failures with claims of understaffing and undertraining of CoreCivic employees at Trousdale. (*Id.* ¶¶ 36-44). Plaintiffs seek declaratory and injunctive relief through their lawsuit against CoreCivic and do not seek monetary damages. (*Id.* ¶ 5-6, IX). The Court should dismiss and/or enter summary judgment on Plaintiffs' ADA, Eighth Amendment, and Fourteenth Amendment claims against CoreCivic for the following reasons:

- Plaintiffs seek declaratory and injunctive relief through their lawsuit against CoreCivic and do not seek monetary damages. Dodson, Little, and Vick, however, are not incarcerated at Trousdale. Because of this, their claims for declaratory and injunctive relief are moot. Therefore, the Court should dismiss Dodson, Little, and Vick's ADA, Eighth Amendment, and Fourteenth Amendment claims against CoreCivic.
- Title II of the ADA does not apply to CoreCivic. Therefore, the Court should dismiss Plaintiffs' ADA claim against CoreCivic.
- Dodson, Judd, Little, and Young did not exhaust their administrative remedies. Therefore, the Court should enter summary judgment on their ADA, Eighth Amendment, and Fourteenth Amendment claims against CoreCivic.

The Court should grant CoreCivic's Supplemental Motion. In further support, CoreCivic submits a Supplemental Memorandum of Law, a Supplemental Statement of Undisputed

Material Facts, the Declaration of Beverly Atwood (Docket Entry 49), the Declaration of Bridgett Pierce (Docket Entry 50), and the Supplemental Declaration of Bridgett Pierce.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon Filing Users via the electronic filing system and on other counsel via U. S. Mail, first-class postage prepaid, this September 18, 2017, on the following:

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